

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 16, 2005**

DIVISION ONE

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Rothschild, J.

B181091 Freeman  
v.  
King et al.

Filed order vacating submission order of September 28, 2005 due to bankruptcy proceedings. The case will be resubmitted upon either of the following occurrences: 1) Notice of this Court that the bankruptcy court has reopened the case and receipt by this Court of the orders or judgment of the bankruptcy court. 2) Notice to this Court that the bankruptcy court has declined to reopen the case.

B175822      Amwest Surety Insurance Co.  
v.  
Patriot Homes, Inc., et al.

Filed order denying petition for rehearing.

DIVISION TWO

B173637      Executive Office Concepts, Inc.                      (Not for Publication)  
                 v.  
                 The Wells Group, Inc.

The judgment is reversed with respect to the failure to award reasonable attorney fees in Wells, and the matter is remanded for further proceedings consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed. The appeal from the postjudgment order denying Well's renewed motion for money fees is dismissed as moot. Costs on appeal are awarded to Wells.

Boren, P.J.

We concur:    Doi Todd, J.  
                         Ashmann-Gerst, J.

B181592      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Ricky M., et al.

The judgment is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.  
                         Ashmann-Gerst, J.

B175004      Yury Chernavsky                      (Not for Publication)  
                 v.  
                 Altman & Morris, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Boren, P.J.

We concur:    Doi Todd, J.  
                         Ashmann-Gerst, J.

December 16, 2005 (Continued)

## DIVISION TWO (Continued)

[illegible]

The judgment is modified to grant appellant 419 days of presentence custody credit. The judgment is affirmed as modified. The superior court is directed to prepare an amended abstract of judgment to show the correct number of credit days and to forward a corrected copy of the abstract to the Department of Corrections.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B179548 Richard P. McKee, et al.  
v.  
Los Angeles Interagency Metro. Police Apprehension Crime Task Force  
  
Filed order denying petition for rehearing.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B176707	Valley Homecare Pharmacy v. Bonta
B184333	Department of Children and Family Services v. Lisa P.
B182330	People v. Barrios
B179795	Abeyta, et al., v. County of Los Angeles, et al.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B180909     Johns  
              v.  
              Los Angeles County Civil Service Commission, et al.

Merits:  
Argued by Ramon Cervantes for appellant and by Larry D. Stratton for respondents. Cause submitted.

B178424     Goodwin, et al.  
              v.  
              Metalclad Corp.

Merits:  
Argued by David Collins for appellants and by Margaret Johnson for respondent. Cause submitted.

B171375     Avakian  
              v.  
              Tenet Health System

Merits:  
Argued by Robert K. Kent for appellant and by Joseph Fagundes for respondents. Supplemental brief due by the appellant on January 9, 2006. Response due by the respondents on January 17, 2006. Submission deferred.

B181360     Green, et al.  
              v.  
              Marcus & Millichap Real Estate Investment Brokerage Company, et al.

Merits:  
Argued by Annah H. Kim for appellants and by Michelle Gomez-Novy for respondents. Cause submitted.

DIVISION THREE (Continued)

B174567     Tugendhaft  
              v.  
              Goldberg

Merits:

Argued by Lawrence Lebowsky for appellant and by Avery Cooper for respondent. Cause submitted.

B180578     Washington Mutual Bank, FA  
              v.  
              City of Long Beach

Merits:

Argued by Randall C. Fudge for appellant and by Howard Hall for respondent. Cause submitted.

Court recessed at 12:02 p.m.

Court reconvened at 1:35 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B174648     People v. Marks  
B181671     People v. Brown  
B180277     People v. Johnstone  
B183408     People v. Yandrich  
B185578     Children and Family Services v. Cookie S.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B180073     Wright  
               v.  
               Simmons

Merits:  
Argued by Ira Katz for appellant and by Joseph Dzida for respondent.  
Cause submitted.

B184074     People  
               v.  
               Castaldi

Merits:  
Argued by A. William Bartz for appellant and by Kyle Brodie, Deputy  
Attorney General for respondent. Cause submitted.

B181518     Wilson, Jr., et al.  
               v.  
               Chicago Title Company

Merits:  
Argued by Kenneth Mann for appellants and by Edward D. Russell for  
respondent. Cause submitted.

B178079     Torres, et al.  
               v.  
               Ibarra, et al.

Merits:  
Argued by David Price for appellants and by Andrew M. Wallet and Jay  
Oberholtzer for respondents. Cause submitted.

### DIVISION THREE (Continued)

B177245 Lopez  
v.  
Fox Television Animation, Inc., et al.

Merits:  
Argued by Timothy Lykowski for appellants and by Wilmer J. Harris for respondent. Cause submitted.

B181771	Carson Harbor Village, Ltd., dba Carson Harbor Village Mobilehome Park v. The City of Carson Mobilehome Park
---------	--

Merits:  
Argued by Thomas W. Casparian for appellant and by William Wynder,  
Deputy City Attorney for respondent. Cause submitted.

B180895      Royal Airline Linen, Inc., et al.  
v.  
Glabman, et al.

Merits:  
Argued by Thomas Arthur for appellants and by William Litvak for respondents. Cause submitted.

Court adjourned.

## DIVISION FOUR

B185763      Kenny S.      (Not for Publication)  
v.  
S.C.L.A. (Los Angeles Co., DCFS r.p.i.)

The petition is denied by opinion.

Curry, J.

We concur: Epstein, P.J.  
Willhite, J.

DIVISION FOUR (Continued)

B182116      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Sherrise B.

The disposition orders of the juvenile court are reversed and the matter is remanded for compliance with the notice requirements of the ICWA. After proper notice, a tribe with an interest in the children may assert its rights under the ICWA and either intervene in the state court, or obtain jurisdiction over the proceedings by transfer to the tribal court. (In re Kahlen W. (1991) 233 Cal.App.3d 1414, 1421.) Appellant has not challenged the orders of the court on any ground other than failure to comply with the ICWA. Thus, if there is no intervention or assertion of jurisdiction by any tribe after proper notice, the juvenile court's orders are to be reinstated.

Epstein, P.J.

We concur: Curry, J.  
                 Willhite, J.

DIVISION FIVE

B171429      People    (Not for Publication)  
                 v.  
                 Jose Lopez

Order filed granting motion to recall remittitur and reissue opinion. The opinion filed November 29, 2004, is deemed refiled effective this date.

DIVISION SIX

B176757      Lee  
                 v.  
                 Fick

Filed order denying petition for rehearing.



DIVISION SEVEN

B182958     Ramirez  
                 v.  
                 Butcher

B186015     Ramirez  
                 v.  
                 Butcher

Filed order consolidating above captioned appeals.

DIVISION EIGHT

Court convened at 9:10 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B185669     Main Street Calif. v. ABC Appeal Board  
B181741     DCFS v. Christine A.K.  
B184226     DCFS v. Deittrick G.  
B183823     Michele M. v. SCLA (DCFS)  
B177776     People v. Freeman  
B180145     People v. Danny M.  
B180970     People v. Dillenback

Argument waived, cause submitted.

B182495     In re Jonathan E. Townsend  
                 on  
                 Habeas Corpus

Merits:

Argued by Tita Nguyen, Deputy Attorney General for respondent and appearance by Tracy Dressner for petitioner. Cause submitted.

DIVISION EIGHT (Continued)

B181867     People  
              v.  
              King

Merits:

Argued by Kevin D. Sheehy for appellant and by Stacy S. Schwartz, Deputy Attorney General for respondent. Cause argued submission deferred, additional briefing allowed. Matter to be submitted upon the filing of the last brief.

B171978     The People of the State of California  
              v.  
              Livingston et al.,

Merits:

Argued by Michael Collins for appellants and by William Rittenburg, Deputy Chief Counsel for respondent. Cause submitted.

B179486     Jackson  
              v.  
              Thomas

Appearances:

Khymberli Apaloo for respondent no appearance by Leonard Jackson appellant in propria persona. Argument waived, cause submitted.

Flier, J. leaves the bench.

B170095     People  
              v.  
              Devore, Abdul-Malik, Rodgers

Merits:

Argued by Gordon S. Brownell for appellant Devore, Janyce Keilo Blair for appellant Abdul-Malik and by Donald Tickle for appellant Rodgers and by Douglas L. Wilson, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B181878     Burkle  
              v.  
              Burkle  
              Press Organizations

Merits:

Argued by Richard Sherman for appellant and by Hillel Chodos for respondent and by Kelli L. Sager for intervenor. Cause submitted.

Court recessed at 12:14 p.m.

Court reconvened at 1:10 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B176999     Wallace  
              v.  
              Southwest Airlines Company

Merits:

Argued by Bruce Wallace appellant in propria persona and by Angela Dotson for respondent. Cause submitted.

B184885     Los Angeles County, D.C.S.  
              v.  
              Karl B.,  
              In re Toni T. et al.,

Merits:

Argued by Leslie A. Barry for appellant and by Pamela S. Landeros, Deputy County Counsel for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B184462     Burgarin et al.,  
              v.  
              Chartone, Inc.,

Merits:  
Argued by Barrett S. Litt for appellants and by David Kornbluh for respondent. Cause submitted.

B180308     Carson Gardens, L.L.C.  
              v.  
              The City of Carson Mobilehome Park Rental Review Board

Merits:  
Argued by William Wynder for appellant and by Robert S. Coldren for respondent. Cause submitted.

Cooper, P.J. leaves the bench.

B180234     Butler  
              v.  
              Childrens Hospital et al.,  
              Accelerated Resource Management et al.,

Merits:  
Argued by Leslie J. Hedges for appellant and by John M. McCoy III and Manuel Abascal for respondents. Cause argued submission deferred, additional briefing allowed. Matter to be submitted upon the filing of the last brief.

B176302     Cervera  
              v.  
              Jeffers

Oral argument continued to January 31, 2006, at 9:00 a.m.

DIVISION EIGHT (Continued)

B182091     Talleur  
              v.  
              Marti Enterprises

Oral argument continued to January 31, 2006, at 10:00 a.m.

Each of the following:

B169636     Consumer Advocacy v. Kintetsu  
B181348     Foster v. Precision Automotive Brake Supply

Oral argument continued to January 31, 2006, at 1:00 p.m.

B184885     People  
              v.  
              Alcala

Oral argument continued to February 1, 2006, at 9:00 a.m.

Each of the following:

B179103     Sanders v. Yarborough  
B176239     Silverbrand v. County Of Los Angeles

Matter ordered off calendar.

Court adjourned.

December 16, 2005 (Continued)

## DIVISION EIGHT (Continued)

B167850 People (Not for Publication)  
v.  
Morales

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.